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## REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-20 remain pending in the present application. No claims have been newly added or cancelled.

Applicants express appreciation for the courtesies extended by the Examiner to Applicants' representative during the telephonic interview conducted on May 17, 2010. In compliance with 37 C.F.R. § 1.133 and M.P.E.P. § 713.04, a record of the substance of the interview is summarized or otherwise incorporated into the following remarks.

In the May 17<sup>th</sup> Interview, the Examiner and Applicants' Representative noted that the claim amendments submitted April 21, 2009 had never been appropriately addressed, and that Applicants have subsequently submitted responses with amendments that were inconsistent with the April 21, 2009 response. Accordingly, Applicants' Representative agreed to submit a response after final rejection reinstating the claims from the April 21, 2009 response, and the Examiner agreed to withdraw the finality of the previous office action mailed March 18, 2010 to consider the claims previously presented in the April 21, 2009 response. The **Listing of Claims** included in the present response are consistent with the claims presented in the April 21, 2009 response. A copy of the **Listing of Claims** filed in the April 21, 2009 response, with the mark-ups showing the changes from the originally filed claims, are provided herewith for the Examiner's convenience as **APPENDIX A**.

Responsive to the May 17<sup>th</sup> Interview discussed above, rejections asserted in the office action mailed January 23, 2009 ("the January 23<sup>rd</sup> Office Action") are addressed herein. In the January 23<sup>rd</sup> Office Action, the Examiner asserts that claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,216,691 to Kenyon *et al.* ("the '691 patent") in view of U.S. Patent No. 6,926,503 to McGee ("the '503 patent"); claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the

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‘691 patent in view of the ‘503 patent, and in further view of U.S. Patent No. 6,511,288 to Gatley, JR. (“the ‘288 patent”); and claims 5-20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the ‘691 patent in view of the ‘503 patent, in further view of the ‘288 patent, and in still further view of U.S. Patent No. 5,904,141 to Estes *et al.* (“the ‘141 patent”). Applicants respectfully traverse these rejections for the reasons presented below.

### **CLAIMS 1-6**

The rejection of claims 1-6 based on the proposed combination of the ‘691 patent, the ‘503 patent, the ‘288 patent, and/or the ‘141 patent should be withdrawn at least because the cited sections of these references do not teach or suggest all of the features of the claimed invention. For example, independent claim 1 recites *inter alia* the following features, which are not taught or suggested by the proposed combination:

...wherein the gas flow generator is seated in the first injection molded thermoplastic elastomeric member such that the inlet of the gas flow generator is seated in the inlet opening so that gas drawn into the gas flow generator through the inlet passes through the inlet opening formed by the first injection molded thermoplastic elastomeric member.

The Examiner acknowledges that the ‘691 patent does not teach the “first injection molded thermoplastic elastomeric member” of claim 1 [the January 23<sup>rd</sup> Office Action, p. 2]. The Examiner alleges that claims 1, 2, and 4 of the ‘503 patent teach such a member [*id.*]. In referring to claims 1, 2, and 4 of the ‘503 patent, it appears that the Examiner is relying on the “retainers” of the ‘503 patent for a teaching of the “first injection molded thermoplastic elastomeric member.” The “retainers” of the ‘503 patent are illustrated in FIG. 6 of the ‘503 patent (reproduced below) as elements 258 [c. 5, ll. 56-59].

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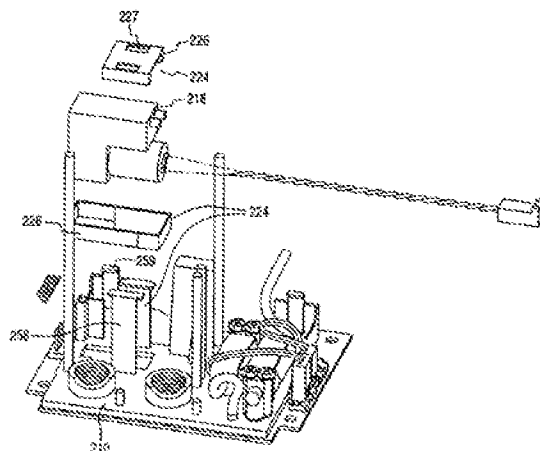


Fig. 6

As can be seen in FIG. 6 of the '503 patent, when the pump assembly 218 is seated on manifold 210 retainers 258 cooperate to hold pump assembly 218 from moving laterally on manifold 210. However, neither of retainers 258 shown in FIG. 6 provide the structure and function recited with respect to the "first injection molded thermoplastic elastomeric member" in claim 1. For instance, neither of retainers 258 form an "inlet opening" that receives an inlet of pump assembly 218. Instead, it appears that air is drawn into the pump assembly 218 on a side of pump assembly that is not engaged by retainers 258. As such, the cited sections of the '503 patent do not address the admitted deficiencies of the '691 patent with respect to claim 1.

For the reasons presented above, Applicants respectfully submit that independent claim 1 is not rendered obvious by the cited references. In addition, claims 2-6 are also not rendered obvious due to their dependency from independent claim 1. Accordingly, Applicants respectfully request that the above rejections of claims 1-6 be withdrawn.

#### **CLAIMS 7-20**

The rejection of claims 7-20 based on the proposed combination of the '691 patent, the '503 patent, the '288 patent, and the '141 patent constitutes legal error at least

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because the proposed combination does not teach or suggest all of the features of the claimed invention. For example, independent claim 7 recites *inter alia* the following features, which are not taught or suggested by the proposed combination:

...a first vibration damping member disposed between a first side of the blower assembly and the mounting surface upon which the blower assembly is supported, the first vibration damping member being in contact with each of the first side of the blower assembly and the mounting surface so as to space the blower assembly from the mounting surface; [and]...

a second vibration damping member disposed between a second side of the blower assembly opposite the first side and the securing member, the second vibration damping member being in contact with each of the second side of the blower assembly and the securing member so as to space the blower assembly from the securing member.

Independent claim 13 recites *inter alia* the following features:

...a first vibration damping member disposed between a first side of the blower assembly and the mounting surface, the first vibration damping member being in contact with at least a portion of each of the first side of the blower assembly and the mounting surface such that the blower assembly is spaced apart from the mounting surface by the first vibration damping member; [and]...

a second vibration damping member disposed between a second side of the blower assembly opposite the first side and the securing member, the second vibration damping member being in contact with at least a portion of each of the second side of the blower assembly and the securing member such that the blower assembly is spaced apart from the securing member.

In the January 23<sup>rd</sup> Office Action, the Examiner acknowledges that the ‘691 patent and the ‘503 patent do not teach or suggest the “mounting plate” or the “securing member” recited in each of claims 7 and 13 [the January 23<sup>rd</sup> Office Action, p. 3]. The Examiner alleges that the ‘288 patent addresses this deficiency of the ‘691 patent and the ‘503 patent [*id.*]. In particular, it appears that the Examiner is contending that blower housing 54 shown in FIG. 2 of the ‘288 patent (reproduced below) includes a bottom piece 60 and a top piece 58 that read on the “mounting plate” and “securing member,” respectively, recited in claims 7 and 13.

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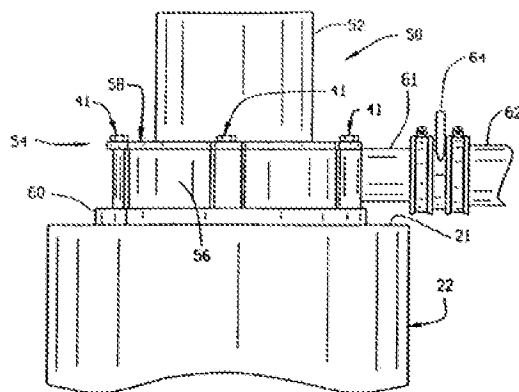


FIG. 2

To arrive at the claimed invention, the Examiner alleges that it would have been obvious to modify the apparatus taught in the ‘691 patent to include the bottom piece 60 and top piece 58 of the ‘288 patent [the January 23<sup>rd</sup> Office Action, p. 3]. The January 23<sup>rd</sup> Office Action further contends that the ‘503 patent teaches the “use [of an] elastomeric member in between said mounting plate and the gas flow generator and between said securing member and the gas flow generator” [*id.*]. Assuming *arguendo* the assertions of the Examiner with respect to the teachings of the ‘288 patent to be proper (Applicants contend they are not), the proposed combination would still not teach or suggest the features of claims 7 and 13 reproduced above.

Specifically, the Examiner relies on the ‘503 patent for a teaching “that the elastomeric member (*i.e.*, the “retainers 258” shown in FIG. 6 *supra*) can be place [sic] around the gas flow generator (*i.e.*, the “pump assembly 218” in FIG. 6 *supra*) between peripheral elements” [the January 23<sup>rd</sup> Office Action, p. 3]. The retainers 258 are not disposed between pump assembly 218 and any surface to which it is mounted, or between pump assembly 218 and any member that secures pump assembly in place (*e.g.*, in place on manifold 218). Instead, the retainers 258 in the device of the ‘503 patent are shown in FIG. 6 as free standing structures that are the primary mechanism for holding pump assembly 218 to manifold 210. As such, the retainers 258 of the ‘503 patent do not teach or suggest “vibration damping member[s]” having the structure and function recited in the portions of claims 7 and 13 reproduced above (*e.g.*, disposed between pump assembly 18 and some mounting surface and/or securing member).

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Further, modification of the device taught in the '691 patent to include both (i) the bottom piece 60 and top piece 58 of the '288 patent and (ii) the retainers 258 of the '503 patent would not result in the recited "vibration damping member(s)." Rather, this combination would, at best, result in the blower of the '691 patent being secured between the bottom piece 60 and top piece 58 of the '288 patent, with the retainers 258 of the '503 patent being deployed at the edges of the blower not covered by bottom piece 60 or top piece 58 to prevent lateral movement of the blower between the pieces 60 and 58. Thus, the cited sections of the '691 patent, the '503 patent, the '288 patent, and/or the '141 patent do not teach or suggest the features of claims 7 and 13 reproduced above.

For at least the reasons presented above, Applicants respectfully submits that independent claims 7 and 13 are not rendered obvious by the cited references. In addition, claims 8-12 and 14-20 are also not rendered obvious due to their dependency from independent claims 7 and 13. Accordingly, Applicants respectfully request that the above rejections of claims 7-20 be withdrawn.

It should be noted that the Applicants have not addressed each rejection of the dependent claims. Any rejection of a dependent claim not specifically addressed is not to be construed as an admission by the Applicants of the correctness of that rejection. Rather, the Applicants believe that the independent claims are patentably distinguishable over the cited references for the reasons noted above, so that the rejection of the dependent claims need not be addressed at this time. Applicants reserve the right to address the rejection of any dependent claim at a later time should that become warranted.

This response is being filed within the three-month statutory response period which expires on June 18, 2010. In addition, no additional claim fees are believed to be required as a result of the above amendments to the claims. Nevertheless, the Commission is authorized to charge any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 14-1270.

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All objections and rejections have been addressed. It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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